

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 15th day of January, 2007 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Frank Hametner Mayor
Tommy Knight Mayor Pro Tempore
Grace Chapa, Council Member
Jay Attaway, Council Member
Vickie Abrego, Council Member

ABSENT: None

ADMINISTRATIVE PERSONNEL PRESENT: Mike Sullinger, Interim City Manager
Allen Lawrence, City Attorney
Ada Owens, City Secretary

ADMINISTRATIVE PERSONNEL ABSENT: None

STAFF PRESENT: Darrell Jones, Police Chief
Bill Haines, Assistant Police Chief/Harbormaster
Darren Gurley, Public Works Director
Frank Truitt, City Inspector
Gilbert Ritz, Fire Chief

OTHERS PRESENT: Don & Jeanie Brummett, Don & Bunny Williams, Sami L. Shirley, Ralph & Lu Arcemont, Dennis Lugg, Philip A. Williams, Alpha & Jim Covington, James Hale, Harlan Roberts, Elezabeth Roberts, Robert Adami TPWD, Nancy & Don Schonfeld, Hope Comingore, Capt. Fed J. Comingore, Beth Wilson, Ann P. Melton, J. Scott, Adan Chapa. Belinda Ritz, Robert Daehn, Don McTee, Eva Young, Mike Tringali, Margaret Garrett, Earl Buckmaster

(There may have been others present who did not sign in.)

ITEM 1. CALL MEETING TO ORDER.

Mayor Hametner called the meeting to order at 7:00 p.m. on January 15, 2007.

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG AND THE TEXAS FLAG.

Interim City Manager Mike Sullinger gave the Invocation.

Mayor Pro Tempore Knight led the Pledge of Allegiance to the United States Flag and the Texas Flag.

ITEM 3. CITIZEN’S COMMENTS.

Ms. Sami Shirley stated her report was on behalf of Donna Farr and Ms. Howard, program chairman of the SPCA who has been in the field trapping cats to have them neutered and spayed by Dr. Floerke, who Ms. Shirley thanked for his contribution. Ms. Shirley introduced the City’s Animal Control Officer, Jennifer Scott, saying Officer Scott was very cooperative in their efforts on behalf of the animals.

Officer Scott stated Dr. McKinnis had donated a pocket reader chip scanner to identify stray and/or lost animals. She thanked Dr. McKinnis for the generous donation.

Ms. Shirley stated the Animal Group has purchased eight animal traps at the cost of \$41 each from donations.

Mr. Don Williams stated the City Council was doing a good job of getting the City back on track.

Ms. Eva Young asked that the testing on the Harbor be kept down to save money. She stated she would like the Council to think about the low income people regarding raising utility rates.

ITEM 4. CONSENT AGENDA – “All of the Following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member so requests. If discussion is desired that item will be removed from the Consent Agenda and will be considered separately”.

Mayor Pro Tempore made the motion to approve the Minutes of the Joint Meeting of December 11, 2006, Regular Meetings of December 18, 2006 and January 2, 2007. Council Member Abrego seconded the motion and the motion carried unanimously.

City Attorney Allen Lawrence declared the Public Hearing open for the purpose of hearing the request of Mr. Phil Williams for a Conditional Use Permit to move a building on the site and operate a used car lot on Lots 1-3, Block 6, Fricks Addition, 1100 Block S. Commercial. He stated the Planning and Zoning Commission had previously met on Mr. Williams request and recommended the City Council's denial of the application.

The City Attorney asked if there was anyone else opposed to the application, seeing no one he closed the public hearing at 7:19 p.m.

After discussion, Mayor Pro Tempore Knight made the motion to approve the request of Mr. Williams for a Conditional Use Permit for a term of two years. Council Member Chapa seconded the motion and the motion carried unanimously.

Option 3 – Pass 100% of increase to customers effective March 1, 2007 billing.

Effect on Fund Balance - \$15,100

Option 4 – Pass 100% increase to customers retroactive October 1, 2006, but exempt Senior Citizens .

Effect on Fund Balance - \$3,328.80

Option 5 – Pass 100% increase; exempt Senior citizens effective March 1, 2007 billing.

Effect on Fund Balance - \$17,319.20

Finance Director Sandy Roddel stated the City had been paying the garbage increase for four months without charging the customers.

Council Member Abrego asked how much was the increase to each customer?

Mr. Sullinger stated the increase was \$0.76 per month for each residential totter. He stated his recommendation was to start the increase in March and exclude senior citizens from the increase.

Mayor Pro Tempore Knight asked how long is the City's contract with Allied Waste?

Mr. Sullinger stated the contract was for five years.

Mayor Pro Tempore Knight asked when does the contract expire?

Mr. Gurley stated the contract expires in 2008. He stated Allied Waste was the only waste management company available that could handle the City. All other companies had been bought out by Allied Waste.

Council Member Chapa stated there were a lot of low income families in the City and she would like to suggest Option 2, pass 100% of the increase to the customers retroactive October 1, but instead of charging 100% the City would charge 50% to the customers. She stated she thought everyone should get a break on the garbage rates, not just senior citizens.

Council Member Abrego asked what would be the cost to the City?

Ms. Roddel stated the cost would be \$22,500.00.

Mr. Sullinger stated there were 365 senior citizens in the City.

Council Member Attaway made the motion to adopt Option 5 the increase would be charged starting March 1, 2007 with the exception of the senior citizens' rates which would remain the same. Mayor Pro Tempore Knight seconded the motion and the motion carried 3 to 2 with Mayor Hametner, Mayor Pro Tempore Knight and Council Member Attaway voting yes and Council Member Chapa and Council Member Abrego voting no.

ITEM 8. DISCUSSION ON CONDUCTING A PHASE ONE ENVIRONMENTAL PROPERTY STUDY AND SITE ASSESSMENT AND PHASE TWO TESTING OF THE WASTE SITES IN AND AROUND CONN BROWN HARBOR.

Mr. Dave Sullivan with Naismith Engineering stated any time there is a property transaction for a site that involves waste, the investment groups, bankers, private funding groups, all want to have some type of due diligence to make sure the hidden costs and liabilities of the property are identified to reflect the cost of the clean up of the property.

Mr. Sullivan explained Phase 1 Environmental Property Site Assessment and Phase 2 Testing of waste sites at Conn Brown Harbor would be necessary as "due diligence" and to determine potential liability and support of a property transaction involving the Harbor. Such a due diligence assessment is necessary to document responsibility for environmental liabilities at the Harbor. The testing and identification of waste (primarily oils, fuel, possible solvents, paint, and spills) is required by state and federal regulations in order to handle the waste, determine ability to recycle, relocate and consolidate, store in a better manner, and eventually dispose at a later date. The testing is preliminary to focus on containing and consolidating leaking drums and to determine recycling potential of oils/spent fuel. The work will be performed by Naismith Engineering, Inc. for less than approximately \$10,000 which will include coordination with the Texas Commission on Environmental Quality, contracted services from an approved analytical lab, and also services from a waste handling contractor, Miller Environmental, which is licensed to handle solid and potentially hazardous waste. Waste oil recyclers will also be involved. Many of the necessary records to perform the Phase 1 and 2 work have already been compiled by Naismith who is also very familiar with the type, location, and extent of all waste and environmental regulatory issues at all Harbor sites. This prior knowledge will help significantly reduce the costs of such a due diligence assessment and help avoid and minimize liability potentially affecting the City.

Council Member Chapa stated in April, Mr. Sullivan had sent a letter to the City which referenced environmental property assessment and remediation site contamination in the preliminary summary. She asked was that what Mr. Sullivan was talking about?

Mr. Sullivan stated no.

ITEM 9. CONSIDER AND ACT ON APPOINTMENT/TERMINATION OF ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT MEMBERS.

Council Member Chapa stated she only had the resignation of one Board Member and asked had other Board Members resigned?

Mayor Hametner stated Mr. Don McTee, President of the Aransas Pass Municipal Development Board (APMDD) had requested the item on the Council agenda.

Mr. Don McTee stated he was President of the APMDD. He stated he was limited to what he could say because there was a quorum of the APMDD present. He stated two of the Council Members realize the APMDD has had some difficulties. Mr. McTee stated Ms. Debra Keller, Executive Director of the APMDD, had given him her resignation that night and the District had a shortage of Directors. He stated the District wanted to build a civic center and the District needed a cohesive group that would go forward with building the civic center. He stated the District would do the best they could with the public's money.

Council Member Chapa stated she did not know there were any problems.

Mr. McTee stated there had been problems concerning the District's records but they had solved that problem. He stated he had complaints from citizens, who had requested records under the Open Records Request Act, about the cost that was quoted to them for those records. He stated there had been citizen's comments about the availability of the District's records. The APMDD now had the Districts records.

Council Member Chapa asked Mr. McTee was he trying to get rid of Directors because of a difference of opinions?

Mr. McTee stated he had no problems with difference of opinions, the Board had always had differences of opinion.

Council Member Chapa asked did any of the APMDD Members want to speak?

There were none.

Mayor Pro Tempore Knight asked Mr. McTee were the APMDD records going to be transported to City Hall?

Mr. McTee stated at the present time, he had been informed the records had been given to the Secretary, Ms. Sherri Tringali for safekeeping.

Council Member Attaway stated according to the statutes, the APMDD records were to be kept at City Hall.

Mr. McTee stated yes, the records were originally at City Hall.

Mayor Hametner asked did the APMDD bylaws stated the records were to be kept by the registered agent?

Mr. McTee stated the bylaws originally said that.

Mayor Hametner stated the APMDD is an entity of the City of Aransas Pass and the District needed to respect the City of Aransas Pass and its Council as a major overseer of that Committee. The APMDD had done a good job in the past.

Mr. McTee stated in the past there was a good relationship and more of a connection between the City and the APMDD. He stated at the time he joined the APMDD one and on-half years ago, there was not a very good situation. There was not much representation from the City on the Board. That was a time of turmoil and the Board drifted along on its own and there is a good opportunity now to bring the Board back in close liaison with the City. The APMDD is charged with building the civic center, helping to design the civic center with the Council's guidance and when finished will be handed over to the City and be City property.

Mayor Pro Tempore Knight asked does the APMDD have more than \$3M?

Mr. McTee stated yes, but he did not have the details with him.

Mayor Hametner asked Mr. McTee did he have difficulty accessing those records?

Mr. McTee stated that was a point of contention at one of the last APMDD meetings.

After discussion, Mayor Pro Tempore Knight made the motion to terminate Jesus Galvan as an APMDD Director, terminate Dorothy Roberts as an alternate Director, accept the resignation of Randy Boatman as a Director, appoint Council Member Abrego to the vacancy left by Jesus Galvan, and appoint Interim City Manager Mike Sullinger to the vacancy left by Randy Boatman. Council Member Attaway seconded the motion and the motion carried with Mayor Hametner, Mayor Pro Tempore Knight, Council Member Chapa, and Council Member Attaway voting yes and Council Member Abrego abstaining.

Mayor Hametner stated bids were received from the Aransas Pass Progress and The Herald newspapers. The bids were:

Mayor Hametner stated the costs were almost the same, except the circulation was considerably larger for the Progress and the Progress operates its business in the City of Aransas Pass and pays taxes to the City.

Council Member Attaway made the motion to adopt the Aransas Pass Progress as the official newspaper of the City of Aransas Pass. Council Member Abrego seconded the motion and the motion carried with Mayor Hametner, Mayor Pro Tempore Knight, Council Member Attaway and Council Member Abrego voting yes and Council Member Chapa voting no.

Council Member Attaway made the motion to approve Police Chief Jones request. Mayor Pro Tempore Knight seconded the motion and the motion carried unanimously.

Mr. Richard Adami stated the tournament would be the same as last year's tournament with the fish catches being used for the Texas Parks and Wildlife Hatchery Program. He stated the last tournament was a success and benefit to the City.

Council Member Chapa made the motion to approve the request of Mr. Adami to hold a fishing tournament in Conn Brown Harbor on October 27, 2007 from 6:00 a.m. to 12:00 p.m. Mayor Pro Tempore Knight seconded the motion and the motion carried unanimously.

ITEM 13. CONSIDER AND ACT ON SELLING SURPLUS PROPERTY FROM THE POLICE DEPARTMENT, FIRE DEPARTMENT AND PUBLIC WORKS DEPARTMENT BY AUCTION.

After discussion, Council Member Attaway made the motion to declare the property, as listed, surplus and grant permission to sell the surplus property by auction. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 14. CONSIDER AND ACT ON APPROVING A BID FOR CONSTRUCTION OF THE NEW ANIMAL CONTROL FACILITY.

Public Works Director Darren Gurley reported to Council, On December 19, 2006 bids for the new Animal Control Facility were opened and were:

Commercial Products with all the alternates	\$185,512
without Alternates 1 & 2	\$175,884
Tadashi Construction with all alternates	\$253,508
without Alternates 1 & 2	\$234,747

If Alternate 1 (air conditioning) is eliminated, there would be no need for Alternate 2 (insulated ceiling) for a total deduction of \$9,628

Alternate 3 – chain link gates at each exterior dog run – would increase the capacity from 11 kennels to 22 kennels, if the extra kennels are needed.

The building pad, electrical conduit, water, sewer and equipment will cost approximately \$15,000. He stated the City had approval from Bond Counsel to use some of the remaining funds from the 2003 Bond for building the Service Center. The Bond balance is approximately \$281,000.

After discussion, Council Member Attaway made the motion to approve the bid of Commercial Products with all alternates. Mayor Pro Tempore Knight seconded the motion and the motion carried unanimously.

ITEM 15. DISCUSSION ON OVER 65-TAX FREEZE.

Mayor Pro Tempore Knight stated he had asked the discussion be put on the agenda. He stated he had campaigned on the promise of supporting the Over-65 tax freeze. There were people in the community living on \$700-\$800 a month. He stated the over-65 citizens were living in houses they bought 20-40 years ago for \$12,000 to \$15,000 that are on the tax rolls for \$40,000 to \$50,000 and they were having a difficult time because the tax appraisals and tax rates keep going up.

Mr. Sullinger was instructed to report on the economic impact of approving an Over-65 tax freeze and report back to the Council.

Mayor Pro Tempore Knight requested the Over-65 tax freeze be placed on the next agenda as an action item.

Council Member Chapa stated she thought the tax break should be based on income.

ITEM 16. DISCUSSION REGARDING CONN BROWN HARBOR.

Mayor Hametner stated he had requested this item be placed on the agenda on a continuous basis. He stated the Council should talk about what they want to do in Conn Brown Harbor and consider such things as developing the Harbor in phases with different developers, such as just building a marina and leaving the peninsula as it is now for the near-term future. He asked did they want to set aside a certain amount of Conn Brown Harbor property for historical and cultural reasons and for the shrimpers where they would not pay the full rate that the property could get and how much of the Harbor did they want to develop to its full economic potential? Those are questions the City and citizens should start thinking about and he would like to hear comments from the citizens. He stated they should think about the lease rates in the Harbor and were they going to charge lease rates based on economic potential or the low market rates as in the past. He thought it was for the citizens to decide through the Council, not for the members of the Council to decide.

Mayor Pro Tempore Knight stated the clean up process was going well. He stated the City needed to resolve the GLO (General Land Office property ownership) issue by buying the property.

ITEM 17. CITY MANAGER'S REPORT.

Mr. Sullinger stated he was working with Patty Akers, Attorney with Bickerstaff had told him the City was very close to purchasing the GLO property. He stated he was discussing the subject with the City's financial advisor.

